

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. EQUAL EMPLOYMENT)	CIVIL ACTION NO. _____
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	JURY TRIAL DEMANDED
)	
)	
CONNECTIONS CSP, INC,)	
)	
Defendant.)	
_____)	

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990, as amended (the "ADA"), and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Sabaina Massaquoi and a class of similarly situated individuals with disabilities who were adversely affected by such practices.

As is alleged with greater particularity in the Statement of Claims below, Defendant discriminated against Massaquoi when it failed to provide her with a reasonable accommodation for her disability (hypertension) and terminated her employment pursuant to its unlawful fixed leave policy in violation of the ADA. The Commission alleges further that Defendant violated the ADA when it failed to accommodate similarly situated qualified individuals with disabilities and terminated them pursuant to its unlawful fixed leave policy. Finally, the Commission alleges that

Defendant maintained and administered as a matter of course, a 12-week limitation on medical leave which has the effect of unduly limiting employment opportunities for individuals with disabilities.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of the Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United State District Court for the District of Delaware.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Connections CSP, Inc., has continuously been a Delaware corporation, doing business in Wilmington, Delaware and has continuously had at least 15 employees.

5. At all relevant times, Defendant Connections CSP, Inc., has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701 (b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g), and (h).

6. At all relevant times, Defendant Connections CSP, Inc., has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

ADMINISTRATIVE PROCEDURES

7. More than thirty days prior to the institution of this lawsuit, Sabaina Massaquoi ("Massaquoi") filed a charge of discrimination with the Commission alleging, among other things, violations of the ADA by her former employer Connections CSP, Inc. ("Defendant").

8. On September 1, 2016, the Commission issued to Defendant a Letter of Determination finding reasonable cause to believe, among other things, that the ADA was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

9. On September 28, 2016, the Commission issued to Defendant a Notice of Failure of Conciliation advising Defendant that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

11. Since at least October 2014, Defendant has engaged in unlawful employment practices, at all its facilities, in violation of Sections 102(a) and 102(b)(5)(A) of Title I of the ADA, 42 U.S.C. §§ 12112(a) and 12112(b)(5)(A), by failing to provide Massaquoi with a reasonable accommodation for her actual disability and by terminating her because of her disability, as follows:

a. Defendant hired Massaquoi in July 2012. She worked as a Psychiatric Technician.

b. Massaquoi satisfactorily performed the essential functions of her job during the time that she worked for Defendant.

c. In, or before, October 2014, Massaquoi informed Defendant of her hypertension, a physical impairment which substantially limits one or more of her major life activities and/or major bodily functions including, but not limited to, the functioning of her cardiovascular and circulatory systems.

d. In, or before, October 2014, Massaquoi informed Defendant that her hypertension was exacerbated by her pregnancy.

e. At all relevant times, Massaquoi was an individual with a disability within the meaning of the ADA who could perform the essential functions of her Psychiatric Technician position with or without a reasonable accommodation.

f. On October 31, 2014, Massaquoi began her Family Medical Leave Act ("FMLA") leave. The FMLA entitles eligible employees of covered employers to up to twelve (12) weeks of job-protected, unpaid leave during any 12-month period, for care of the employee's own serious health condition.

g. On, or around January 22, 2015, Defendant received a letter from Massaquoi's physician, Dr. Khaja G. Yezdani, requesting a reasonable accommodation in the form of an extension of her medical leave until March 12, 2015.

h. Defendant denied Massaquoi's request for a reasonable accommodation.

i. Massaquoi's FMLA leave expired on January 26, 2015. Defendant terminated Massaquoi on, or around, January 26, 2015.

j. Before terminating Massaquoi, Defendant did not initiate or engage with her in any interactive process to identify the precise limitations resulting from her disability and potential accommodations that could cover those limitations including, but not limited to, additional unpaid leave or reassignment to vacant light duty positions.

k. The effect of the practices complained of in paragraph 11 above has been to deprive Massaquoi of equal employment opportunities and otherwise affect her status as an employee because of her disability.

12. Since at least January 2014, Defendant has engaged in unlawful employment practices, at all its facilities, in violation of Sections 102(a) and 102(b)(5)(A) of Title I of the ADA, 42 U.S.C. §§ 12112(a) and 12112(b)(5)(A), by failing to provide a similarly situated class of individuals with a reasonable accommodation for their actual disabilities and by terminating them because of their disabilities, as follows:

a. Defendant hired Yveya Taylor ("Taylor") in July 2011 as a Cook. In July 2012 Defendant promoted her to a Peer Coach position.

i. Taylor satisfactorily performed the essential functions of her job during the time that she worked for Defendant.

ii. In, or before, April 2014, Taylor informed Defendant of her leg and back impairments – sustained during an on-the-job injury - which substantially limit one or more of her major life activities and/or major bodily functions including, but not limited to, lifting, pulling, bending, and pushing.

iii. In, or before, April 2014, Taylor informed Defendant that her doctor ordered her not to lift more than 30 pounds, bend, push, or pull because of her leg and back impairments.

iv. At all relevant times, Taylor was an individual with a disability within the meaning of the ADA who could perform the essential functions of her Peer Coach position and several of Defendant's other positions with or without a reasonable accommodation.

v. In, or before, April 2014, Taylor requested a reasonable accommodation in the form of reassignment to a vacant light duty position.

vi. Defendant denied Taylor's request for reassignment to a vacant light duty position.

vii. On, or around, April 22, 2014, Defendant placed Taylor on FMLA leave.

viii. Taylor's FMLA leave expired on July 14, 2014. Defendant terminated Taylor on July 15, 2014.

ix. Before terminating Taylor, Defendant did not initiate or engage with her in any interactive process to identify the precise limitations resulting from her disability and potential accommodations that could cover those limitations

including, but not limited to, additional unpaid leave or reassignment to vacant light duty positions.

x. The effect of the practices complained of in paragraph 12a above has been to deprive Taylor of equal employment opportunities and otherwise affect her status as an employee because of her disability.

b. Defendant hired Chanda Murkinson ("Murkinson") on August 9, 2010. She worked as a Licensed Practical Nurse.

i. Murkinson satisfactorily performed the essential functions of her job during the time that she worked for Defendant.

ii. In, or before May 2014, Murkinson informed Defendant of her anxiety and depression, mental impairments which substantially limit one or more of her major life activities and/or major bodily functions including, but not limited to, her brain functions.

iii. At all relevant times, Murkinson was an individual with a disability within the meaning of the ADA who could perform the essential functions of her Licensed Practical Nurse position with or without a reasonable accommodation.

iv. On, or around, May 19, 2014, Murkinson began her FMLA leave.

v. On, or before, August 11, 2014, Defendant received a letter from Murkinson's physician, Dr. Broudy, requesting a reasonable accommodation in the form of an extension of her medical leave.

vi. Defendant denied Murkinson's request for a reasonable accommodation.

vii. Murkinson's FMLA expired on August 8, 2014. Defendant terminated Murkinson on August 11, 2014.

viii. Before terminating Murkinson, Defendant did not initiate or engage with her in any interactive process to identify the precise limitations resulting from her disability and potential accommodations that could cover those limitations including, but not limited to, additional unpaid leave.

ix. The effect of the practices complained of in paragraph 12b above has been to deprive Murkinson of equal employment opportunities and otherwise affect her status as an employee because of her disability.

c. Defendant hired Betty Bradley ("Bradley") in November 2012. She worked as an Infection Control Nurse.

i. Bradley satisfactorily performed the essential functions of her job during the time that she worked for Defendant.

ii. In, or around, October 2014, Bradley informed Defendant of her ovarian cancer, a physical impairment which substantially limits one or more of her major life activities and bodily functions including, but not limited to, normal cell growth.

iii. At all relevant times, Bradley was an individual with a disability within the meaning of the ADA who could perform the essential functions of her Infection Control Nurse position with or without a reasonable accommodation.

iv. In, or around, October 2014, Bradley began her FMLA leave.

v. In, or around, December 2014, Bradley informed Defendant that she could return to work on, or before, the end of her FMLA leave. At that time, she

requested a reasonable accommodation in the form of intermittent medical leave one day per week so that she could receive chemotherapy treatments

vi. Defendant denied Bradley's request for a reasonable accommodation.

vii. Bradley's FMLA leave expired on, or around, December 10, 2014. Defendant terminated Bradley on, or around, December 10, 2014.

viii. Before terminating Bradley, Defendant did not initiate or engage with her in any interactive process to identify the precise limitations resulting from her disability and potential accommodations that could cover those limitations including, but not limited to, additional unpaid intermittent leave.

ix. The effect of the practices complained of in paragraph 12c above has been to deprive Bradley of equal employment opportunities and otherwise affect her status as an employee because of her disability.

d. Defendant hired Michelle Williams ("Williams") in July 2012. She worked as a Counselor.

i. Williams satisfactorily performed the essential functions of her job during the time that she worked for Defendant.

ii. In, or around, December 2014, Williams informed Defendant of her interstitial lung disease, a physical impairment which substantially limits one or more of her major life activities and bodily functions including, but not limited to, breathing and the functioning of her respiratory system.

iii. At all relevant times, Williams is an individual with a disability within the meaning of the ADA who, at all times relevant, could perform the essential functions of her Counselor position with or without a reasonable accommodation.

iv. Williams began her FMLA leave on January 2, 2015.

v. In, or around, March 2015, Williams advised Defendant that she could return to work and requested a reasonable accommodation in the form of using her portable oxygen while working.

vi. Defendant denied Williams' reasonable accommodation request to use her portable oxygen while working.

vii. On, or before, March 30, 2015, Defendant received a letter from Williams' physician, Dr. Collins, requesting an alternative reasonable accommodation in the form of an extension of her medical leave until May 6, 2015.

viii. Defendant denied Williams' reasonable accommodation request to extend her medical leave.

ix. Williams' FMLA leave expired on, or around, March 27, 2015. Defendant terminated Williams on March 30, 2015.

x. Before terminating Williams, Defendant did not initiate or engage with her in any interactive process to identify the precise limitations resulting from her disability and potential accommodations that could cover those limitations including, but not limited to, allowing her to work with her portable oxygen or additional unpaid leave.

xi. The effect of the practices complained of in paragraph 12d above has been to deprive Williams of equal employment opportunities and otherwise affect her status as an employee because of her disability.

13. Since at least January 2014, Defendant has engaged in unlawful employment practices, at all its facilities, in violation of Sections 102(a) and 102(b)(5)(A) of Title I of the ADA, 42 U.S.C. §§ 12112(a) and 12112(b)(5)(A), by failing to provide a similarly situated class of individuals with a reasonable accommodation for their actual disabilities and by terminating them because of their disabilities, as follows:

a. Under Defendant's unlawful fixed leave policy, numerous other qualified employees with disabilities have been terminated and denied employment opportunities.

b. As a matter of course, Defendant has refused to make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

c. As a matter of course, Defendant failed and refused to engage in an interactive process with employees with disabilities, to discuss or consider potential accommodations for their disabilities.

d. The effect of the practices complained of in paragraph 13 above has been to deprive a similarly situated class of individuals with disabilities of equal employment opportunities and otherwise affect their status as employees because of their disabilities.

14. Since at least January 2014, as a matter of course, Defendant discharged Massaquoi and a class of similarly situated qualified individuals because of their

disabilities in violation of Sections 102(a) and 102(b)(5)(B) of the ADA. 42 U.S.C. §§ 12112(a) and (b)(5)(B).

15. As a direct and proximate result of these violations of her rights under the ADA, Massaquoi and a class of similarly situated qualified individuals with disabilities have suffered damage in the form of past pecuniary losses. In addition, they have suffered emotional pain, suffering, inconvenience, mental anguish, embarrassment, frustration, humiliation, and loss of enjoyment of life.

16. The unlawful employment practices complained of herein were intentional

17. The unlawful employment practices complained of herein were done with malice or with reckless indifference to federally protected rights of Massaquoi and a class of similarly situated qualified individuals with disabilities.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from refusing to reasonably accommodate any individual with a disability and from engaging in any employment practice which discriminates on the basis of a disability.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals with disabilities and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to cease utilizing its fixed medical leave practice as written or administered and revise these policies and procedures to bring them into compliance with the ADA.

D. Order Defendant to implement non-discriminatory objectives, written policies and practices regarding the terms and conditions of employment and sign and conspicuously post, for a designated period of time, a notice to all employees that sets forth the remedial action required by the Court and informs all employees that Defendant will not discriminate against any employee because of a disability, including that it will comply with all aspects of the ADA.

E. Order Defendant to make whole Massaquoi and a class of similarly situated individuals by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, front pay.

F. Order Defendant to make whole Massaquoi and a class of similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of herein, including, but not limited to, job search expenses and medical expenses, in amounts to be determined at trial.

G. Order Defendant to make whole Massaquoi and a class of similarly situated individuals by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of herein, including emotional pain, suffering, inconvenience, mental anguish, embarrassment, frustration, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

H. Order Defendant to pay Massaquoi and a class of similarly situated individuals punitive damages for its malicious and reckless conduct described herein, in amounts to be determined at trial.

I. Grant such further relief as the Court deems necessary and proper.

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

OF COUNSEL:
UNITED STATES ATTORNEY
DISTRICT OF DELAWARE

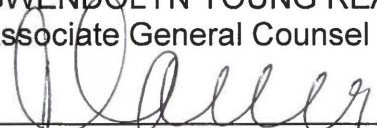
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Respectfully submitted,

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Dated: June 29, 2017

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.